

APPROVED JUNE 27, 2023

CITY OF FRANKLIN COMMON COUNCIL MEETING JUNE 6, 2023 MINUTES

- ROLL CALL
- A. The regular meeting of the Franklin Common Council was held on June 6, 2023, and was called to order at 6:30 p.m. by Mayor Nelson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Ed Holpfer, Alderwoman Michelle Eichmann, Alderwoman Courtney Day, Alderman Mike Barber, and Alderman Jason Craig. Also in attendance were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson. Alderman Yousef Hasan was not present.
- CITIZEN COMMENT
- B. Citizen comment period was opened at 6:31 p.m. and was closed at 6:53 p.m.
- MINUTES
May 16, 2023
- C. Alderman Barber moved to approve the minutes of the regular Common Council meeting of May 16, 2023, as presented. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- PURCHASE AND
INSTALL
REPLACEMENT HVAC
UNITS
- G.1. Alderwoman Eichmann moved to approve of Purchase and Installation of replacement HVAC units, and a budget modification appropriating the necessary funding (\$11,000). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2023-7997
PARTICIPATE IN
COMPLETE
COMMUNITIES
TRANSPORTATION
PLANNING PROJECT
- G.2. Alderman Barber moved to adopt Resolution No. 2023-7997, A RESOLUTION TO PARTICIPATE IN MILWAUKEE COUNTY DEPARTMENT OF TRANSPORTATION'S COMPLETE COMMUNITIES TRANSPORTATION PLANNING PROJECT. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- INCLUDE SIDEWALKS
IN WI-DOT PROJECT
FOR S 27TH ST
- G.3. Alderman Craig moved to Include Sidewalks in Wisconsin Department of Transportation Project for S. 27th Street (STH 241) from W. Elm Road to W. Villa Drive. Seconded by Alderwoman Day. All voted aye; motion carried.
- RES. 2023-7998
HOLDING TANK
AGREEMENT WITH
DALMA PROPERTIES,
LLC, TKN 898-9999-000
- G.4. Alderman Holpfer moved to adopt Resolution No. 2023-7998, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A HOLDING TANK AGREEMENT WITH DALMA PROPERTIES, LLC., 6701 W. RYAN ROAD, TKN 898-9999-000. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES 2023-7999
ISSUE CHANGE ORDER
NO. 3 TO WANASEK –
- G.5. Alderman Craig moved to adopt Resolution 2023-7999, A RESOLUTION TO ISSUE CHANGE ORDER NO. 3 TO WANASEK CORPORATION FOR THE RYAN CREEK INTERCEPTOR ODOR

RYAN CREEK
INTERCEPTOR ODOR
REDUCTION PROJECT

REDUCTION PROJECT IN THE AMOUNT OF \$15,165.24.
Seconded by Alderwoman Day. All voted Aye; motion carried.

Alderman Barber moved to suspend the rules to allow Thomas Taylor of 7014 Elroy Ct. to speak on this agenda item. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

Alderman Barber moved to return to regular business. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

DIRECT BUTEYN-
PETERSON
CONSTRUCTION

G.6. Alderwoman Day moved to direct Buteyn-Peterson Construction Co., Inc. to complete the work described in Work Change Directive No. 4 to accommodate the survey monument work. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES 2023-8000
IMPOSING
CONDITIONS AND
RESTRICTIONS FOR
THE APPROVAL OF A
SPECIAL USE – 8570 S
116TH ST

G.7. Alderman Craig moved to adopt Resolution 2023-8000, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN APPROXIMATELY 4,000 SQUARE FOOT ACCESSORY STRUCTURE UPON PROPERTY LOCATED AT 8570 SOUTH 116TH STREET (ROBERT G. MONTGOMERY, APPLICANT). Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES 2023-8001
ACCEPTANCE OF AN
AGREEMENT FOR
STORM DRAINAGE,
ACCESS, AND WATER
MAIN – TKN 950 9997
002

G.8. Alderwoman Day moved to adopt Resolution 2023-8001, A RESOLUTION FOR ACCEPTANCE OF A STORM WATER FACILITIES MAINTENANCE AGREEMENT AND EASEMENTS FOR STORM DRAINAGE, STORM WATER MANAGEMENT ACCESS, AND WATER MAIN AT 3617 W. OAKWOOD ROAD (TKN 950-9997-002) including minor technical changes approved by the City Engineer and City Attorney. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES 2023-8002
ACCEPT AN ACCESS
ON PROPERTY OWNED
BY WI ELECTRIC
POWER COMPANY –
TKN 844 9994 000

G.9. Alderman Craig moved to adopt Resolution 2023-8002, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT AN ACCESS, WATER MAIN & SANITARY SEWER EASEMENT ON PROPERTY OWNED BY WISCONSIN ELECTRIC POWER COMPANY (TKN 844-9994-000) subject to technical corrections made by City Engineer. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES 2023-8003
INSTALLATION OF A
FENCE WITHIN THE
20FT PUBLIC UTILITY
EASEMENT – TKN 805
0096 000

G.10. Alderman Holpfer moved to adopt Resolution 2023-8003, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 20 FOOT PUBLIC UTILITY EASEMENT UPON LOT 31 IN BLOCK 1, IN PARK VIEW SOUTH (7923 S. 67TH STREET) (TKN 805-0096-000) (PEPLINSKI, KENNETH S., APPLICANT). Seconded by Alderman Barber. All voted Aye; motion carried.

- RES 2023-8004
RECORD WARRANTY
DEED – RIGHT-OF-WAY
FOR PUBLIC ROAD –
LOT 1 CERTIFIED
SURVEY MAP NO. 9338
- G.11. Alderman Holpfer moved to adopt Resolution 2023-8004, A RESOLUTION TO RECORD A WARRANTY DEED FOR DEDICATION AND ACCEPTANCE OF RIGHT-OF-WAY FOR PUBLIC ROAD PURPOSES (LOT 1 OF THE RECORDED CERTIFIED SURVEY MAP NO. 9338). Seconded by Alderwoman Day. All voted Aye; motion carried.
- AUTHORIZE
MAINTENANCE REPAIR
SPECIFICATION
PROPOSALS –
FACILITIES AND
INFRASTRUCTURE
WITH IRS
- G.12. Alderman Holpfer moved to authorize the Maintenance Repair Specification proposals with regard to City of Franklin facilities and associated infrastructure with IRS, and to authorize the Mayor, the City Clerk, and the Director of Finance/Treasurer to execute the appropriate related agreement as needed. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- AUTHORIZE
COOPERATION
AGREEMENT WITH
MILWAUKEE COUNTY
(2024-2026), IN THE
COMM DEVL P BLOCK
GRANT AND HUD
HOME FUNDS – SUBJ
TO APPROVAL BY CITY
ATTORNEY
- G.13. Alderwoman Day moved to authorize the Mayor and City Clerk to execute a Cooperation Agreement with Milwaukee County for an additional 3-year participation, program years 2024 through 2026, in the Community Development Block Grant and HUD HOME funds, subject to approval as to form by the City Attorney, changes may include technical corrections, clarification, or other such changes that do not entail a substantial substantive difference. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES 2023-8005
EXECUTE S 116TH
STREET TRAIL
PROJECT CHANGE
ORDER – PREPARE
PHASE 2
- G.14. Alderman Craig moved to adopt Resolution 2023-8005, A RESOLUTION TO EXECUTE S. 116"H STREET TRAIL PROJECT CHANGE ORDER NO. 4 TO GRAEF-USA, INC. TO PREPARE A PHASE 2 ENVIRONMENTAL SITE ASSESSMENT FOR \$35,000. Seconded by Alderman Barber. All voted Aye; motion carried.
- ALLOW HAUSCH
DESIGN AGENCY, LLC
TO DEVELOP
MESSAGING PROGRAM
- G.15. Alderman Barber moved to Allow Hausch Design Agency, LLC to Develop a Messaging Program for Franklin Sewer Utilities Private Property Infiltration & Inflow Reduction Project Without Errors and Omissions (Professional Liability) Insurance. Seconded by Alderman Craig. All voted Aye; motion carried.
- ORD 2023-2538
AMEND ORD 23-2531,
22-2531, ORDINANCE
ADOPTING THE 2023
ANNUAL BUDGET FOR
THE GENERAL
OPERATING FUND –
- G.16. Alderman Holpfer moved to adopt Ordinance 2023-2538, AN ORDINANCE TO AMEND ORDINANCE NO. 2023-2531, AN ORDINANCE TO AMEND ORDINANCE NO. 2022-2521, AN ORDINANCE ADOPTING THE 2023 ANNUAL BUDGET FOR THE GENERAL OPERATING FUND TO TRANSFER \$30,380 IN EXPENDITURES FROM THE ENGINEERING PERSONAL SERVICES SALARY AND BENEFITS ACCOUNTS TO THE

RETURN
TRANSFERRED FUNDS
FROM PLANNING TO
ENGINEERING

PLANNING PERSONAL SERVICES SALARY AND BENEFITS
ACCOUNTS, TO RETURN THE TRANSFERRED FUNDS FROM
PLANNING SERVICES ACCOUNTS TO ENGINEERING
SERVICES ACCOUNTS. Seconded by Alderwoman Eichmann. All
voted Aye; motion carried.

CONSOLIDATION OF
ONE (.5) FTE PLANNING
AND ONE (.5)
ENGINEERING TO
ALLOW HIRING OF
ONE FTE ENGINEERING

G.17. Alderman Craig moved to approve the consolidation of one (.5) FTE
planning department administrative assistant and one (.5) FTE
engineering department administrative assistant position into one FTE
engineering administrative assistant position to allow for the hiring of
one FTE engineering administrative assistant at the Salary Pay
Grade 3. Seconded by Alderman Holpfer. On roll call, all voted Aye.
Motion carried.

CLOSED SESSION –
CONSIDER
EMPLOYMENT,
PROMOTION,
COMPENSATION, OR
PERFORMANCE
EVALUATION DATA –
DIRECTOR OF FINANCE
AND TREASURY –
DANIELLE BROWN

G.18. Alderman Barber moved to confirm the appointment of Danielle
Brown as the Director of Finance & Treasurer for the City of Franklin
pending the successful completion of a pre-employment drug screen
and background check. Seconded by Alderman Holpfer. On roll call,
all voted Aye. Motion carried.

VOUCHERS AND
PAYROLL

I. Alderman Barber moved to approve City vouchers with an ending
date of June 1, 2023, in the amount of \$1,834,189.90, and payroll
dated May 19, 2023 in the amount of \$442,320.66 and payments of the
various payroll deductions in the amount of \$453,606.40, plus City
matching payments, and estimated payroll dated June 2, 2023 in the
amount of \$440,717.20 and payments of the various payroll deductions
in the amount of \$233,855.84, plus City matching payments, and
estimated payroll dated June 16, 2023 in the amount of \$450,00 and
payments of the various payroll deductions in the amount of \$240,000,
plus City matching payments. Seconded by Alderman Holpfer. On
roll call, all voted Aye. Motion carried.

LICENSES AND
PERMITS

H. Alderman Craig moved to approve the following licenses:

License Committee Meeting 06/06/2023:

Approved conditionally 2023-2024 License to Nicole Stankowski upon
providing the documents showing completion of the court ordered
stipulations and with agreement of applicant that she will participate in
counseling wellness service;

Grant Class B Combination Entertainment & Amusement 2023-2024
to DBA Iron Mike's, Jax on 27th LLC, William Rushman, Agent, 6357

S 27th St;

Approved Fireworks Display to Civic Celebration Committee-Independence Day Celebration Fireworks Display, John Bergner, 9229 W Loomis Rd, 7/1/2023;

Grant 2023-2024 Day Care License to DBA KinderCare, KinderCare Education LLC, 6350 S 108th St, Theresa Castronovo;

Grant Temporary Class "B" Beer & Temporary Entertainment Amusement to VFW Post 10394, St Martin's Labor Day Fair, Andrew Hushek, St Martins Rd & Church St, 9/3/2023-9/4/23;

Hold 2023-2024 Operator License for Appearance to Mitcheal Lenski & Kenneth Lux;

Hold 2022-23 & Renewal 2023-24 Operator License for Appearance to Roberta Fenning;

Grant 2022-23 & 2023-24 Renewal Operator License upon corrections of application to Nicole Olender & Antonious Wilder;

Grant 2023-2024 Renewal Operator License upon corrections of application to Maren Wendt;

Grant 2022-2023 Operator License to Connie Young;

Grant 2023-2024 Operator License to David Fifarek, Nicholas Itsines & John Rinelli;

Grant 2022-23 & 2023-24 Renewal Operator License to Jada Cesar, Clayton Declore, Joseph Handlos, Elizabeth Lipinski, Vanessa Peterson & Mato Veber; and

Grant 2023-2024 Renewal Operator License to Tanya Bielinski, John Bergner, Luke Capstran, Kaitlyn Connolly, Reyna Contreras, Nicole Cruz, Alyssa Dama, Kristy Delaney, Meloday Eberhardt, Eric Gagliano, Nicole Gaus, Madeline Gernhauser, Halina Grochowski, Stevie Grzybowski, Patti Hartung, Justin Kagerbauer, Lori Kochan, Mikala Lindl, Marcia Lonzaga, Grace Mantyh, Jennifer Martinez, Julia Martinez, Anthony Megna, Lee Ann Meier, Kristen Menzel, Camille Nicolai, Julie Palivoda, Eric Ramos, Richard Rehberg, Debra Reichart, Jean Risacher, Michelle Rocha, Mark Rozenberg, Christine Rozewicz, Joseph Schauer, Daniel Stadler, Linda Steeves, Mark Steffes, Alexis Steltz, James Talaska, Jennifer Teske, Ann Thaler, Tiffany Torres, Hanna Wallace, Melissa Waulters, Matthew Wisniewski, Alyssa Zacher, & Eric Zoromskis.

Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

CLOSED SESSION –
CONFER WITH LEGAL
COUNCIL WITH
RESPECT TO FRANKLIN
COMMUNITY
ADVOCATES, ET AL. V.
CITY OF FRANKLIN,
AND STRAUSS

G.19. Alderman Craig moved to enter closed session at 7:41 p.m. pursuant to Wis. Stat. §19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the *Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court, Case No. 20-CV-7031 and *Franklin Community Advocates v. City of Franklin*, Milwaukee County Circuit Court, Case No. 22-CV-523 litigations, and to reenter open session at the same place thereafter

BRANDS, LLC

to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

Mayor Nelson took a five-minute break at 7:41 p.m. The Mayor resumed into closed session at 7:48 p.m.

Returned to open session at 8:05 p.m.

Alderman Barber moved to proceed as discussed in closed session. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

CLOSED SESSION – FOR MARKET COMPETITION AND BARGAINING REASONS – PROPERTIES AT THE NORTHEAST CORNER OF SOUTH 76TH STREET AND WEST RYAN ROAD

G. 20. Alderman Barber moved to enter closed session at 8:09 p.m. pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/manufacturing development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreement(s) for, including, but not limited to the propert(ies) at the Northeast corner of South 76th Street and West Ryan Road, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

Returned to open session at 9:03 p.m.

No action required at this time.

RES 2023-8006 EXECUTE AN AGREEMENT WITH EHLERS AND ASSOCIATES, INC FOR TAX INCREMENTAL DISTRICT CREATION PROFESSIONAL SERVICES

G.21. Alderman Holpfer moved to adopt Resolution 2023-8006, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH EHLERS AND ASSOCIATES, INC. FOR TAX INCREMENTAL DISTRICT CREATION PROFESSIONAL SERVICES. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

CLOSED SESSION – POTENTIAL PROVISION OF PUBLIC WATER SUPPLY TO THE CITY OF FRANKLIN

G.22. Alderman Holpfer moved to enter closed session at 9:07 p.m. pursuant to Wis. Stat. §19.85(1)(e) to deliberate upon information, terms and provisions of the potential provision of public water supply to the City of Franklin as related to the City, the Franklin Municipal Water Utility and its customers in 2024 and beyond; and the potential negotiation of terms in relation thereto, including, but not limited to potential amendments to the Agreement for Oak Creek to Provide Water at Wholesale to Franklin, potential agreement terms with alternate public water supply sources, including, but not limited to the City of

Milwaukee and Milwaukee Water Works, and the investing of public funds and governmental actions in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Eichmann. All voted Aye; motion carried. Alderman Barber vacated his seat at 9:05 p.m. and was absent from the vote to go into closed session.

Mayor Nelson took a five-minute break at 9:08 p.m. The Mayor resumed into closed session at 9:12 p.m.

Returned to open session at 10:27 p.m.

No action required at this time.

LOSED SESSION –
NOTICE OF CLAIM AND
CIRCUMSTANCES AND
NOTICE OF INJURY
FROM ALAN H
MARCUVITZ OF VON
BRIESEN & ROPER, S.C.,
ATTORNEY FOR
CLAIMANT POLISH
HERITAGE ALLIANCE,
INC.

G.23. Alderman Holpfer moved to enter closed session at 10:28 p.m. pursuant to § 19.85(1)(e) and (g), Stats., to consider a Notice of Claim and Circumstances and Notice of Injury from Alan H. Marcuvitz of Von Briesen & Roper, S.C., Attorney for Claimant Polish Heritage Alliance, Inc., alleging property damage from a broken water lateral pipe on or about October 7, 2022, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. All voted Aye; motion carried.

Returned to open session at 10:34 p.m.

Alderman Craig moved to proceed as discussed in closed session and disallow the claim. Seconded by Alderman Barber. All voted Aye; motion carried.

CLOSED SESSION –
DISCUSS POLICE
COLLECTIVE
BARGAINING
NEGOCIATION
STRATEGY AND
POSSIBLE
SETTLEMENT OPTIONS

G.24. Alderwoman Eichmann moved to enter closed session at 10:36 p.m. pursuant to Wis. Stat. §§ 19.85(1)(c) and 19.85(1)(e), to discuss police collective bargaining negotiation strategy and possible settlement options, and to re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Craig. All voted Aye; motion carried.

Returned to open session at 11:12 p.m.

No action required at this time.

ADJOURNMENT

J. Alderman Craig moved to adjourn the meeting of the Common Council at 11:13 p.m. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.